

# LEGAL NOTICE

## Summary of Proposed Rulemakings

---

### PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

*The written comment deadline is August 23, 2006, unless otherwise listed.  
Temp & Prop indicates the rule is both temporary and proposed.  
\*\* Indicates that a public hearing has been scheduled.*

#### **IDAPA 02 - DEPARTMENT OF AGRICULTURE** **P.O. Box 790, Boise, ID 83701**

**02-0214-0601, Rules for Weights and Measures.** Incorporate by reference the 2006 edition of the National Institute of Standards and Technology Handbook 44, Specifications Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.

**\*\*02-0403-0601, Rules Governing Animal Industry.** Removes the sections on Trichomoniasis, updates the sections on equines, and updates the incorporation by reference section.

**\*\*02-0420-0601, Rules Governing Brucellosis.** (Temp & Prop) Adds additional testing requirements on Idaho cattle needed to regain Idaho's Brucellosis Class Free status; defines "test eligible," "commuter herd," and other terms; and makes technical corrections to be in compliance with the national program.

**\*\*02-0421-0601, Rules Governing the Importation of Animals.** (Temp & Prop) Updates the Trichomoniasis, Brucellosis, equine, and furbearing animal import requirements.

**\*\*02-0429-0601, Rules Governing Trichomaniasis.** (Temp & Prop) New chapter on Trichomaniasis outlines procedures for its prevention, control and eradication; updates the testing requirements for Idaho cattle; and sets the annual testing date season.

#### **IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS** **PO Box 83720, Boise, ID 83720-0285**

**05-0102-0601, Secure Juvenile Detention Facilities.** Clarifies and updates current practices and definitions and removes redundancies; changes chapter name.

#### **IDAPA 07 - DIVISION OF BUILDING SAFETY** **1090 E. Watertower St., Meridian, ID 83642**

**07-0103-0601, Rules of Building Safety.** Adopts and incorporates by reference the 2006 editions of the International Building Code, International Residential Code, and International Energy Conservation Code.

#### **IDAPA 08 - STATE DEPARTMENT OF EDUCATION** **PO Box 83720, Boise, ID 83720-0027**

**\*\*08-0202-0601, Rules Governing Uniformity.** Makes changes to the Standards for Idaho School Buses and Operations manual related to new school bus construction and operation standards.

#### **IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR** **317 W. Main Street, Boise, ID 83735**

**09-0301-0601, Rules of Broadband Development Matching Fund Program.** (Temp & Prop) Implements the procedures for project selection, award and disbursement of grant funds for the rural broadband development.

**09-0304-0601, Rules of the Business and Jobs Development Grant Fund.** (Temp & Prop) Implements the procedures for awarding grant funds for public costs associated with the recruitment of new businesses to Idaho.

**IDAPA 15 - OFFICE OF THE GOVERNOR  
IDAHO COMMISSION ON AGING  
PO Box 83720, Boise, ID 83720-0007**

**15-0120-0601, Rules Governing Area Agency on Aging Operations.** Requires area agencies to conduct on-site assessments when providers receive \$50,000 or more during a contract year.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE  
PO Box 83720, Boise, ID 83720-0036**

**16.03.01 - Eligibility for Health Care Assistance for Families and Children.**

**\*\*16-0301-0601,** (Temp & Prop) Chapter repeal.

**\*\*16-0301-0602,** (Temp & Prop) Chapter rewrite simplifies eligibility process, increases access to services, improves financial and clinical effectiveness, improves service delivery, and provides clients with more choices.

**\*\*16-0309-0603, Rules Governing the Medical Assistance Program.** (Temp & Prop) Chapter repeal.

**\*\*16-0309-0604, Medicaid Basic Plan Benefits.** (Temp & Prop) Chapter rewrite outlines basic Medicaid services and benefits for low-income children and healthy, working age adults and new reform initiatives for health risk assessments, wellness for adults, personal health accounts, selective contracting, estate recovery, and reduction of mental health benefits.

**\*\*16-0310-0601, Rules Governing Medicaid Provider Reimbursement in Idaho.** (Temp & Prop) Chapter repeal.

**\*\*16-0310-0602, Medicaid Enhanced Plan Benefits.** (Temp & Prop) Chapter rewrite incorporates Medicaid benefits not covered under the Medicaid Basic Plan and provides services and benefits based on the participant's health needs, disabilities, or special needs.

**\*\*16-0313-0601, Prior Authorization for Behavioral Health Services.** (Temp & Prop) Chapter repeal.

**\*\*16-0313-0602, Consumer-Directed Services.** (Temp & Prop) Chapter rewrite implements the Medicaid Modernization and Simplification Act, HB 776, to reflect benefit plans that are based on participants' health needs.

**\*\*16-0316-0601, Access to Health Insurance Program.** (Temp & Prop) Describes eligibility criteria, benefits, and reimbursement payment process for children and working adults for Access Card coverage and health insurance benefits through their employers; changes name of chapter to "Premium Assistance."

**\*\*16-0317-0601, Service Coordination.** (Temp & Prop) Chapter repeal.

**\*\*16-0318-0601, Medicaid Cost Sharing.** (Temp & Prop) Reorganizes chapter based on HR 776 and includes only cost-sharing rules for medical assistance participant's share in these rules.

**16-0322-0601, Residential Care or Assisted Living Facilities.** (Temp & Prop) All facilities that accept residents who are incapable of self-evacuation must have a fire-suppression sprinkler system installed by July 1, 2007.

**16-0411-0601, Developmental Disabilities Agencies.** (Temp & Prop) Defines the service of supportive counseling and identifies staff qualifications, participant eligibility requirements, therapy goals, outcome measures, and service limitations for this new service.

**\*\*16-0507-0601, Investigation and Enforcement of Fraud, Abuse, and Misconduct.** (Temp & Prop) New chapter provides for the protection of the public health and safety of participants, helps protect the integrity of the Medicaid program, and provides that appropriate actions be taken to protect the program recipients and financial resources of the program.

**IDAPA 18 - DEPARTMENT OF INSURANCE****PO Box 83720, Boise, ID 83720-0043**

**18-0124-0601, Advertisement of Disability (Accident and Sickness) Insurance.** Addresses internet advertising; clarifies that long term care insurance is regulated by rule; prohibits advertisements that do not clearly state the type of insurance being offered or that create undue fear; and eliminates an unnecessary paper filing requirement for insurers.

**18-0144-0601, Schedule of Fees, Licenses, and Miscellaneous Charges.** (Temp & Prop) Changes licensing requirement for insurance administrators from annual renewals to biennial renewals thereby reducing fees.

**18-0156-0601, Rebates and Illegal Inducements to Obtaining Title Insurance Business.** Increases dollar limitations for expenditures by title insurance industry members on donations, promotional advertising, and business entertainment involving producers of title insurance business; clarifies participation in trade association events.

**18-0168-0601, Minimum Reserve Standards for Individual and Group Health Insurance Contracts.** Repeals rule sections setting forth minimum reserve standards for individual and group health insurance and replaces them with the standards set forth in the National Association of Insurance Commissioners Accounting Manual.

**18-0176-0601, Property Casualty Actuarial Opinion Rule.** Requires insurers to annually submit to regulators an "Actuarial Opinion Summary" of the Actuarial Report after the report is filed.

**18-0177-0601, Actuarial Opinion and Memorandum Rule.** Requires all life insurers to perform an asset adequacy analysis to show they can meet expected obligations; provides Director greater flexibility to accept actuarial opinions based on foreign state laws that meet certain standards; requires additional information to be included in the actuarial memorandum; and requires a confidential summary of actuarial assumptions and the asset adequacy test.

**IDAPA 20 -- DEPARTMENT OF LANDS****PO Box 83720, Boise, Id, 83720-0050**

**20-0314-0601, Grazing Leases and Cropland Leases.** (Temp & Prop) Provides a process for filing objections and resolving conflicts over the valuations made by the Department of lessee-owned rangeland improvements on State grazing leases before a lease parcel goes to auction.

**IDAPA 25 -- OUTFITTERS AND GUIDES LICENSING BOARD****1365 North Orchard, Suite 172, Boise, ID 83706**

**25-0101-0601 Rules of the Outfitters and Guides Licensing Board.** (Temp & Prop) Clarifies operational boundaries for existing outfitters on the St. Joe River.

**IDAPA 27 -- BOARD OF PHARMACY****PO Box 83720, Boise, ID 83720-0067**

**27-0101-0601, Rules of the Idaho State Board of Pharmacy.** (Temp & Prop) Provides a mechanism to initiate a Remote Dispensing Pilot Program for the dispensing of prescriptions through remote dispensing machines.

**27-0101-0602, Rules of the Idaho State Board of Pharmacy.** (Temp & Prop) Specifies the positive identification information that pharmacies must keep when dispensing controlled substance prescription drugs directly to individuals at the pharmacy and sets out the standards to be met by the pharmacies for retrieval of the positive identification information.

**IDAPA 35 - IDAHO STATE TAX COMMISSION****PO Box 36, Boise, ID 83722-0410**

**35-0105-0601, Motor Fuels Tax Administrative Rules.** Clarifies when licensed gaseous fuels distributors must report taxable fuels used in registered motor vehicles; renames "statutory miles per gallon" to "presumed miles per gallon"; adds a class of motor vehicles that is currently required to obtain an IFTA license.

**IDAPA 38 -- DEPARTMENT OF ADMINISTRATION****PO Box 83720, Boise, ID 83720-0003**

**38-0406-0601, Rules Governing Prequalification of Contractors on Capitol Building Projects.** (Temp & Prop)

Allows for prequalification of contractors and establishes a process for bidding on the capitol building project.

***IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT  
PO Box 7129, Boise ID 83707-1129***

***39-0273-0601, Rules Governing Accident Prevention Course.*** (Temp & Prop) Complies with HB 462 and lowers the age requirement to receive an insurance premium reduction benefit for taking the Accident Prevention Course to age 55 years or older.

***39-0311-0601, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions.*** (Temp & Prop) Restricts over-width permitted vehicles from operating on certain sections of both state and interstate highways at specific times.

***39-0322-0601, Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations.*** (Temp & Prop) Prohibits the use of single tires on single axles or within groups of axles, except for steering axles, self-steering variable load suspension axles, or unless equipped with wide-base tires fifteen inches wide or greater.

***IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY  
1410 N. Hilton, Boise, ID 83706-1255***

***\*\*58-0101-0601, Rules for the Control of Air Pollution in Idaho.*** Complies with the Federal Clean Air Act, Regional Haze Rule, 40 CFR 51.308 to begin reducing the impacts of man-made visibility impairing pollutants on Class I areas. Comment by: 9/2/06.

***58-0105-0602, Rules and Standards for Hazardous Waste.*** Updates incorporation by reference section. Comment by: 8/30/06.

***58-0108-0602, Idaho Rules for Public Drinking Water Systems.*** Complies with SB 1220 which directed DEQ to develop facility and design standards for both drinking water and wastewater systems. Comment by: 8/30/06.

***58-0116-0502, Wastewater Rules.*** Complies with SB 1220 which directed the DEQ to develop facility and design standards for both drinking water and wastewater systems. Comment by: 8/30/06.

***58-0117-0601, Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater.*** Allows for issuance of some permits for up to 5 years without a complete application package; adds more extensive disinfection requirements for Class A effluent to control virus levels in the effluent; adds other uses for Class A effluent; adds requirements for mixing Class A effluent with other irrigation waters; changes effluent turbidity limit for membrane filters; adds Class A granular media filter loading limits; clarifies peak flow meaning peak day flow. Comment by: 8/30/06.

***(The following Temporary Rule has been adopted.)***

***STATE BOARD OF EDUCATION***

***08-0203-0603, Rules Governing Thoroughness.***

Please refer to the Idaho Administrative Bulletin, ***August 2, 2006, Volume 06-8*** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

***Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.***

To subscribe to the Administrative Bulletin and other rules publications see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: **<http://www2.state.id.us/adm/adminrules/>**